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November 7, 2024

***Via CM/ECF***

Jarrett B. Perlow
Circuit Executive & Clerk of the Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

Re: *AliveCor, Inc. v. ITC,* No. 23-1512

Dear Mr. Perlow:

Pursuant to Fed. R. App. P. 28(j), Apple notifies the Court of new information regarding the cases identified in Apple's prior notice of supplemental authority (*see* Dkt. 53, filed May 28, 2024): *Apple Inc. v. AliveCor, Inc.*, IPR2022-01560, Paper 37 (P.T.A.B. April 8, 2024) ("'956 Decision), and *Apple Inc. v. AliveCor, Inc.*, IPR2022-01562, Paper 37 (P.T.A.B. April 8, 2024), ("'415 Decision). As Apple previously explained in Dkt. 53, these two Board decisions—which involve patents related or similar to the ones at issue in this appeal—conclude that Apple had no affirmative obligation to raise the secondary considerations arguments previously credited by the ITC, and therefore refute AliveCor's argument that Apple was required to produce supposed secondary-considerations evidence as "routine discovery." *Id.*

AliveCor initially noticed appeals from the two Board decisions. But on November 6, 2024—six days before its opening brief was due—AliveCor notified Apple that it intended to dismiss those appeals. The parties filed a Joint Stipulation of Voluntary Dismissal on the same day. *See* Case No. 24-2168, -2169 (Fed. Cir.), Dkt. 15. Accordingly, the appeals will be dismissed and the Board decisions, including their conclusion that Apple had no affirmative obligation to raise secondary considerations arguments, will become final. *See* Fed. R. App. P. 42(b).

Respectfully,

*/s/ Mark Davies*
Mark Davies
*Counsel for Apple Inc.*